



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, FEBRUARY 4, 1998

Morgan Hill Civic Center	Mayor	Dennis Kennedy
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Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tempore Council member Council member Council member	Bev E. Freeman Hedy L. Chang Cynthia J. Cook J. Robert Foster
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7:00 P.M.

CALL TO ORDER
(Mayor Kennedy)

ROLL CALL ATTENDANCE
(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA
Per Government Code 54954.2
(City Clerk Torrez)

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT
Eric Hilding

PLEDGE OF ALLEGIANCE

PROCLAMATIONS
Live Oak High School
Future Business Leaders of America

National Society of the Daughters of the American Revolution
American History Month

CITY COUNCIL REPORT
Council Member Foster
Morgan Hill Homeowners' Alliance

CITY MANAGER'S REPORT

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

CONSENT CALENDAR: The Consent Calendar, Agenda Items #1 through #7 may be acted upon with one motion, a second and the vote.

1. **UPDATE FEES** (Continued from 1/21/98)
Recommended Action: **Adopt** attached Resolution, thereby updating unchanged fees.
2. **FINAL MAP APPROVAL FOR WESTMORELAND PARK SUBDIVISION (TRACT 9012)**
Recommended Action: 1) **Approve** the final map, 2) **Authorize** the City Manager to sign the Subdivision Improvement Agreement on behalf of the City and 3) **Authorize** the recordation of the map.
3. **ACCEPTANCE OF THE STREET REPAIRS -- 1997 PROJECT**
Recommended Action: 1) **Appropriate** \$13,100 from the Unappropriated Street Fund Balance the Street Repairs -- 1997 Project, 2) **Accept** as complete the Street Repairs -- 1997 Project in the final amount of \$570,350.75 and 3) **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's office.
4. **APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH CUSTOM ONE APN 817-05-018 (LANDS OF GUTHRIE)**
Recommended Action: **Approve** the attached Subdivision Improvement Agreement and **authorize** the City Manager to sign the agreement on behalf of the City with Custom One, Inc. (817-05-018).
5. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 8718**
Recommended Action: 1) **Adopt** the attached resolution accepting the subdivision improvements for Tract 8718, commonly known as Caputo - Villas and 2) **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's office.
6. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR PARCEL MAP (672-M-6&7)**
Recommended Action: 1) **Adopt** the attached resolution accepting the subdivision improvements in Parcel Map 672-M-6&7, commonly known as La Grande Estates - Phase I and 2) **Direct** the City Clerk to file a Notice of Completion with the County Recorder's office.
7. **APPROVAL OF REGULAR MEETING MINUTES OF JANUARY 21, 1998**

LEGALLY NOTICED PUBLIC HEARINGS:

8. **ORDINANCE REGULATING LIVE ENTERTAINMENT**
Recommended Action: Request staff presentation.
The Mayor will open the Public Hearing.
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.
Council discussion.
Action- Motion to waive the reading in full of the ordinance to amend the Municipal Code by adding Chapter 5.28;
 Motion to introduce ordinance by title only.

OTHER BUSINESS:

9. **FISCAL YEAR 1996-1997 ANNUAL FINANCIAL AUDIT**
Recommended Action: **Receive** and **file** the comprehensive Annual Financial Report for the year ended June 30, 1997.

CONVENE TO SPECIAL REDEVELOPMENT AGENCY MEETING TO RECEIVE REDEVELOPMENT AGENCY AUDIT (See separate agenda)

10. **REQUEST TO RECONSIDER AND REVISE RESOLUTION NO. 5153 CALLING FOR A SPECIAL ELECTION ON JUNE 2, 1998**
Recommended Action: 1) **Entertain** a motion to reconsider and 2) **Revise** resolution as appropriate.
11. **RESOLUTION SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS**
Recommended Action: **Select** council members to write argument(s) and **adopt** resolution.
12. **COMMENCE FORMATION OF SISTER CITIES PROGRAM** (Continued from 1/21/98)
Recommended Action: **Create** a sister city program for the City of Morgan Hill.
13. **STATUS REPORT ON THE SIX MONTH OBJECTIVES SET BY CITY COUNCIL** (Continued from 1/21/98)
Recommended Action: **Informational only.**
14. **SETTLEMENT OF LITIGATION -- Freeman v. City of Morgan Hill, et al. INCLUDING IMPLEMENTATION OF A POLICY PROVIDING FOR PUBLIC COMMENT ON PERFORMANCE OF SPECIFIC CITY OFFICIALS**
Recommended Action: **Authorize** approval of a policy providing for public comments on performance of specific City officials when their performance is scheduled for consideration of the Council in closed session, as required by the settlement agreement in the Freeman v. City of Morgan Hill, et. al. lawsuit approved by the Council on January 21, 1998.
15. **COUNCIL COMMITTEES & COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES**
Recommended Action: **Review** and **revise as appropriate** City Council assignments to Council committees and outside agencies.

ROLL CALL VOTE:

The Roll Call Vote, Agenda Items #16 through #19 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

16. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1375, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending the R-1-7,000 zoning designation to R-1 (7,000)/RPD by adopting an RPD, Residential Planned Development overlay and approving a precise development plan for a 52-lot residential development (Pan Cal - 39 lots; Ota - 13 lots) on approximately 11.6 acres located on the south side of Central Avenue 200 feet east of Calle Mazatan. (APN 726-21-002, 004, 005, and 008).
17. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1376, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill approving a development agreement with Ms. Norma Kay Ota for a 13-unit single family residential development awarded allocations through the Residential Development Control System for Fiscal Year 1998-99 and Fiscal Year 1999-2000.
18. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1377, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill approving a development agreement with Main Street Development/Pan Cal for a 39-unit single family residential development awarded allocations through the Residential Development Control System for Fiscal Year 1998-99 and Fiscal Year 1999-2000.
19. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1378, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill approving a development agreement with Coyote Ranch Limited Partnership for a 10-unit single family residential development awarded allocations through the Residential Development Control System for Fiscal Year 1998-99.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.

Note: in Accordance with Government Code Section 54954.2(a), There Shall Be No Discussion, Debate And/or Action Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

ADJOURNMENT

FUTURE COUNCIL AGENDA ITEMS:

Mid-year Budget Review
Feasibility Study for Community Park
Accept Contract for City Hall Landscaping Project
Flood Ordinance Update
Truck Routes Ordinance
Pros & Cons of Charter City

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

At **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Item #8 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.